

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SWD – PSs – Allegations against Gazetted and Non- Gazetted Officers of the O/o. Dy.Director (Sw), Hyderabad regarding misappropriation of Government funds by way of sanction of Scholarships / Special Fees to fictitious S.C. Students in three Degree Colleges of the Hyderabad District for the years 1984-85 to 1986-87 – Disciplinary action against Sri K.Senapathy, Superintendent, (Retd), O/o. APSWREI Schools, Ranga Reddy District and Sri M. Nagender, Deputy Director (Retd.), O/o. Commissioner of Social Welfare, Hyderabad - A.P.A.T. Order dt. 21-08-2009 in O.A.No.s 7825/2008 and 7481/2008 filed by Sri K.Senapathy, Superintendent (Retd) and Sri M. Nagender, Deputy Director (Retd.) – Sanction of all retiral benefits without prejudice to the departmental and Criminal action pending in the case – Orders – Issued.

SOCIAL WELFARE (SER.III.2) DEPARTMENT

G.O.Rt.No. 237

Dated:09-03-2010.

Read the following:

1. From the C.S.W., A.P.,Hyd., Memo No. A2/10538/88-1,dated.8-03-1994 & 12-03-1997
2. From the C.S.W., A.P.,Hyd., Memo No. A2/10538/88-6,dated.8-03-1994 & 12-03-1997.
3. Order of A.P.A.T. in O.A.No.5690/99 dt. 18-8-2004 filed by Smt. S.Niranjani.
4. Judgment of Hon'ble High Court of A.P in W.P. No. 3663/2006, dated.18-6-2007.
5. Letter. No. 2108/C26/C7/C16/C12/CID/94, dated. 04-08-2004 of Addl.Director General of Police , CID, A.P., Hyd.
6. Lr. C.No.2108/C26/C7/C16/C12/CID/94, dated: 03.05.2006 received from Addl.D.G.,C.I.D.A.P.Hyd.
7. Order of A.P.A.T., in O.A. No's. 7825/2008 and 7481/2008, dated:21-08-2009 filed by Sri K.Senapathy, Supdt.(Retd.) and Sri M.Nagender Dy.Director (Retd.)

ORDER:

The Government have caused a discreet enquiry through the Joint Director (Vigilance), O/o the Commissioner of Social Welfare, and also the Officials of the Vigilance & Enforcement Department, Hyderabad, into the alleged sanction of mess charges, scholarships to non-existing/dropout S.C. students purported to be studying in three Degree Colleges of the twin cities viz., (1) Babu Jagjeevan Ram College, Lakdikapool, (2) Dr. B.R. Ambedkar College, Lingampally; and (3) New Government Degree College, Khairathabad, Hyderabad for the year 1984-85 to 1986-87. The Preliminary Investigation conducted by the Joint Director (Vigilance), O/o the Commissioner of Social Welfare, and the Vigilance & Enforcement Departments, revealed the involvement of (31) Officers, both Gazetted and Non-Gazetted, O/o the Deputy Director (SW), Hyderabad, and are responsible for the alleged sanction of mess charges, scholarships to the fictitious S.C. students resulting in misappropriation of Government funds to a tune of Rs.7,57,957-50 ps. Sri K.Senapathy, Supdt. (Retd.) and Sri M.Nagender Dy. Director (Retd.) are among the (31) officers who are responsible for the misappropriation of Govt. funds.

2 In view of the high magnitude and serious nature of the defalcation of Government funds involvement of as many as (31) officials, including Sri K.Senapathy, Superintendent (Retd) and Sri M. Nagender, Deputy Director (Retd.) Departmental action was initiated, and the CID was also requested for initiating criminal proceedings. The CID has also registered a case in Crime No.3/94 U/s 120-B, 406, 409, 471 IPC.

(p.t.o.)

3. While Sri K.Senapathy, Supdt. (Retd.) and Sri M.Nagender, Dy.Director (Retd.), were in service, Charge Memos were issued framing of charges against them on the above said allegations respectively by the Commissioner of Social Welfare vide Memo No. A2/10538/88 ,dt. 28-05-1994 and the amendment to charges vide Memo No. A2/10538/88-6, dt. 12-03-1997 and vide Charge Memo No. A2/10538/88-1,dt. 08-03-1994 and the amendment to charges vide Memo No. A2/10538/88-1,dt. 12-03-1997 respectively.
4. Sri A.Raghava Reddy, Joint Director (Vigilance), O/o. the Commissioner of Social Welfare, A.P., Hyderabad was appointed as Enquiry officer to conduct regular detailed common enquiry vide G.O.Rt.No.350, Social Welfare (Ser.II) Department, dated 15-09-2003, under Rules 20 and 24(1) of APCS (CCA) Rules, 1991, in respect of serving officers. The Enquiry Officer has submitted the enquiry report to the Government. The Government have examined the report and has decided for conducting further detailed enquiry into the matter. The enquiry was not concluded so far.
5. Sri K.Senapathy, Supdt. Retired from service on 30-04-2009 in S.W. Residential School, Chilkur, and Sri M.Nagender, Dy.Director retired from service on 30-09-2008, on attaining the age of superannuation and pensionary benefits have not been sanctioned in view of the pending disciplinary case against them.
6. Subsequently, Sri K.Senapathy, supdt. (Retd. SW.Residential School ,Chilkur and Sri M.Nagender, Dy. Director (Retd.) have filed an O.A No. 7825/2008 and 7481/2008 before the Hon'ble A.P.A.T. and the the A.P.A.T. vide in its common order dt. 21-08-2009, directed to release pension and other pensionary benefits as in the case of Smt. S.Niranjani, within a period of four weeks from the date receipt of copy of this order and pass appropriate orders with respect to suspension period after giving notice to the applicants within a period of three months from the date of receipt of copy of this order. The entire exercise shall be over by the respondents within a period of four months from the date of receipt of copy of this order. Both the O.As, are accordingly disposed of as covered vide orders of the Tribunal in O.A. No. 5690 of 1999 dated 18-8-2004 as confirmed by the Hon'ble High Court in W.P.No. 13663 of 2006 dated 18-06-2007. While dismissing the W.P., in its order dt.18-6-2007 ordered that the Tribunal has rightly allowed the application by directing to drop the further proceedings while granting the other benefits as sought by the applicant and that there are no merits in Writ Petition.
7. Government after careful examination of the matter in detail, decided to release all the retirement benefits to Sri. K.Senapathy, Supdt. (Retd.) and Sri M.Nagender, Dy.Director (Retd.) as ordered by the APAT and also as endorsed by the High Court of Andhra Pradesh, without any prejudice to the departmental and Criminal action pending in the case.
8. The Commissioner, Social Welfare, Hyderabad is directed to submit the proposals for issue of orders separately with regard to suspension period of the applicants.
9. The Commissioner of Social Welfare, Hyderabad shall therefore, take action accordingly within a period of (15) days and submit a report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To,
Sri. K.Senapathy, Supdt. (Retd.)(through C.S.W.Hyd).
Sri M.Nagender, Dy.Director, (Retd.)
(through the Commissioner of Social Welfare, Hyderabad.)

(Contd...3/-)

The Commissioner of Social Welfare, Hyderabad. (with a request to serve the copy of this order on the individual and to return the served copy with the acknowledgement of the individual to Govt.)

The Collector, Hyderabad District.

Copy to:-

The Accountant General, (A & E), A.P., Hyderabad.

The Dy. Accountant General (Pension) O/o.A.G., A.P.Hyd.

The Pay & Accounts Officer, A.P., Hyderabad.

The Government Pleader for Social Welfare, APAT, Hyderabad.

The Secretary to Vigilance Commissioner, A.P.V.C, Hyderabad.

SF/SCs-4

//FORWARDED::BY ORDER//

SECTION OFFICER.